IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1235 (S/S) of 2005

Angad Singh,
Son of Sri Shayad Singh,
Presently working as Junior Engineer,
In minor Irrigation Department,
Gadarpur, Udham Singh Nagar.

.....Petitioner.

Versus

1. Additional Secretary, Uttaranchal Minor Irrigation, Dehradun.
2. Chief Engineer, Minor Irrigation, Dehradun.
3. Executive Engineer, Minor Irrigation, Nainital.
4. Superintending Engineer, Minor Irrigation, Haldwani, Nainital.
5. Block Development Office, Gadarpur, Udham Singh Nagar.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned counsel for the petitioner and learned standing counsel, who ha accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner, who is a Junior Engineer, has challenged the transfer order dated 28.06.2005 passed by respondent no. 4, by which the petitioner has been transferred from Gadarpur, district – Udham Singh Nagar to district – Pithoragarh. Learned counsel for the petitioner has challenged the said order on the ground that on

29.04.2005 the State Government has issued guidelines. Clause 12 sub clause 3 of the said guidelines specifically states that in case, the transferred employee makes representation for stay of his / her transfer, then the committee constituted for transfer shall only consider the representation that employee.

Learned counsel for the petitioner has submitted that petitioner, who was transferred from Udham Singh Nagar to Pithoragarh, has submitted his representation and the committee has given its report that petitioner ahs wrongly been transferred as he has not completed 10 years of service at one place, which is against the guidelines issued by the government. The committee has recommended that transfer of the petitioner must be cancelled. The respondent no. 4 i.e. Superintending Engineer is one of the members of the Committee, who has passed impugned transfer order. The committee has recommended for cancellation of impugned transfer order but in spite of the order passed by the committee, Superintending Engineer ahs not cancelled the impugned transfer order of the petitioner.

In view of the aforesaid circumstances, I direct the respondent no. 4 i.e. Superintending Engineer, Minor Irrigation, Haldwani, to pass appropriate order in pursuance to the proposal passed by the committee on 13.07.2005 within a period of two weeks from the date of production of certified copy of this order. Till the decision is taken by the Superintending Engineer, petitioner shall not be relieved, in case, he has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M.Ghildiyal, J.)

August 30, 2005
SKSharma